

ROSENBERG & ESTIS, P.C.
ATTORNEYS AT LAW

733 Third Avenue
New York, New York 10017
212.867.6000
Fax 212.551.8484
www.rosenbergestis.com

Matthew S. Blum
+1 (212) 551-8459
mblum@rosenbergestis.com

MEMO ENDORSED

November 22, 2024

BY EMAIL AND ECF

The Honorable Jennifer H. Rearden, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Tecspec LLC, et al. v. Michael Donnolo, et al.*
Civil Action No. 1:24-cv-8077-JHR
Letter Response. Requesting Briefing Schedule:

14 days Defendants' Opposition
14 days Plaintiffs' Reply

Dear Judge Rearden:

My office represents Defendants in the above-referenced matter.

First and foremost, I apologize for the 12hr delay in filing this letter response, which I advised opposing counsel was due to a personal emergency yesterday.

Second, Plaintiffs' letter, dated November 20, 2024 ("Letter"), was filed preemptively before any discussion between the parties could take place and, in fact, a meeting was scheduled to take place on November 20, 2024 after Plaintiff cancelled Defendant Donnolo's deposition that morning, counsel for Plaintiff indicating that "I'll call you later" (sent November 20, 2024, at 9:35am from J. Melzer to M. Blum; see attached). In 'jumping the gun' deliberately to misleadingly (mis)characterize the counsels' interactions is sharp practice and should not be condoned.

Reading Plaintiff's Letter, it is clear why Plaintiffs rushed to file without first meeting and conferring despite a scheduled call later that day. The Letter insinuates that Defendants were 'missing in action', or that Defendants simply ignored the requests of Plaintiffs to meet and confer on the briefing schedule for Plaintiff's order to show cause. This is patently false. In fact, Plaintiff's counsel was completely aware that I was unavailable for the latter part of the week of November 4, 2024, and that we would circle back on all matters in connection with this matter, including exchange of passwords, exchange settlement positions, address of itemized demands which Defendants promptly provided and for which there is no outstanding request, etc.

Counsel for the parties spoke multiple times, addressing how the matter could settle, passwords and access, trajectory of the case generally, and even appeared in Court together before Judge Lehrburger. At no time during these numerous calls, emails, letters exchanged, or appearance before the Court did Plaintiff's counsel raise the matter of briefing their Order to Show Cause. The focus at that time was to ensure full and complete compliance with turning over all materials, compliance with the settlement directives, and exchange of information. The parties even scheduled the deposition of Michael Donnolo to be taken on November 20, 2024, which the Plaintiff rescheduled per the attached email exchange.

The Honorable Jennifer H. Rearden, U.S.D.J.
November 22, 2024
Page 2

Moreover, before Judge Lehrburger, I advised that Defendants were in turn filing their own application to this Court, either through the filing of a related plenary proceeding, or third-party proceeding, to restrain and enjoin Plaintiff from using or disseminating materials with which they absconded after illegally breaking into the Braya Systems facility. The police were called and escorted them out of the premises.

The foregoing complaint and related application is forthcoming imminently (and would have been complete absent unforeseen circumstances unrelated to this matter).

Lastly, under the circumstances, and in light of the continued movement in this matter, Defendants request 14 days to submit opposition to Plaintiff's Order to Show Cause, on or about December 6, 2024, allowing Plaintiffs 14 days therefrom to respond on reply, on or about December 20, 2024.

The foregoing is reasonable and extends argument on this matter by less than 2 weeks, which is currently scheduled for December 10, 2024.

I thank the Court for its time and attention to this request.

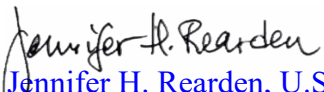
Sincerely,

Matthew Blum

Application DENIED. The order to show cause hearing will proceed on December 10, 2024, ECF No. 31, and the briefing schedule set forth at ECF No. 44 will remain in place.

The Clerk of Court is directed to terminate ECF No. 43.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Dated: November 25, 2024